



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

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Ser BPMOW.sam/333
October 4, 2018

Mr. Michael Cutchin
167 Knight Court
San Rafael, CA 94901

Dear Mr. Cutchin:

This is a follow-up to our August 6, 2018 letter regarding your Freedom of Information Act (FOIA) request of July 11, 2018 (file number DON-NAVY-2018-009444), in which you seek records related to Mare Island Naval Shipyard (MINS), specifically:

- All documents and reports provided from the United States Navy or any of its contractors or partners to Lennar Homes or Lennar Mare Island, LLC or any other related entity regarding environmental conditions at any and all buildings located within the former Mare Island Naval Shipyard (MINS). This includes reports relating to lead based paint, asbestos, PCBs, solvents or any other contamination.

To date, we have identified 110 documents that are responsive to your request. 98 of these documents (Enclosure 1) are immediately available to you at no cost through the searchable Administrative Record for MINS provided to you in our August 6, 2018 letter and also provided below:

https://www.navfac.navy.mil/products_and_services/ev/products_and_services/env_restoration/administrative_records.html?p_instln_id=MARE_ISLAND_NSY

The fee estimate for processing the remaining 12 documents is \$720.00 based on the uniform fee schedule developed by the Department of Defense and the Department of Navy's implementing instructions. In order to review, remove personally identifiable information (PII) in accordance with the Privacy Act of 1974 and current Department of Defense and Department of the Navy regulations, and download the records you requested, we estimate it would take approximately 15 professional hours at \$44 per hour, and three clerical hours at \$20 per hour.

Additionally, we have identified an additional 405 documents that may be responsive to your request. 48 of these records (Enclosure 2) may be immediately reviewed and downloaded by you to determine if they meet the intent of your request at the link provided above.

The Navy's estimate to review the remaining 357 records and determine the responsiveness of those records is \$15,708.00. If all 357 records are responsive to your request, the additional estimated cost for processing this significant request, which includes review, removal of PII, downloading, and copying to compact discs, is \$17,272.00. The total effort would take approximately 730 professional hours at \$44 per hour, 36 clerical hours at \$20 per hour, plus administrative fees and is estimated to cost \$32,980.00. This estimate would be subject to change accordingly after an initial review, and is based on the number of documents actually determined to be responsive.

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Given the large number of responsive documents available for your immediate review and download, and the significant cost for the Navy to review for responsiveness and process additional documents, we have attempted to contact you on two previous occasions to discuss your options and preferences in potentially refining the scope of your request. Contact information for this purpose is Ms. Sarah Ann Moore; details provided below.

If you agree and confirm your willingness to the stated fees, upon notification by you regarding the number of records and type of processing required, we will provide an estimated schedule for releasing the documents responsive to your request. If we do not hear from you within 30 calendar days from the date of this correspondence, we will administratively close this request file with no further action required.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have any questions concerning this matter, please contact, Ms. Sarah Ann Moore at sarah.moore@navy.mil or 619-524-5727.

Sincerely,



ANTHONY MEGLIOLA
Director
Acting